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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 PETRA RUSSELL,

11 Plaintiff,

12 v.

13 WADOT CAPITAL, INC., et al.,

14 Defendants.

CASE NO. C22-0531JLR

ORDER

15 Before the court is Plaintiff Petra Russell's motion for an extension of the noting  
16 date for the WADOT Capital Defendants' second motion for summary judgment. (Mot.  
17 (Dkt. # 68); *see* 2d MSJ (Dkt. # 63).) Boris Davidovskiy, counsel for Ms. Russell, states  
18 that his client suffered a stroke on August 19, 2023, and is now in a coma. (1st  
19 Davidovskiy Decl. (Dkt. # 68-1) ¶ 3 (stating that Ms. Russell's son, Patric Russell,  
20 emailed him from Ms. Russell's email account to inform him of Ms. Russell's medical  
21 condition); 2d Davidovskiy Decl. (Dkt. # 69) ¶ 4 (stating that Mr. Russell confirmed Ms.  
22 Russell's medical condition in a telephone call).) As a result, according to Mr.

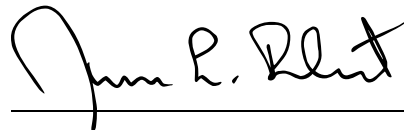
1 Davidovskiy, Ms. Russell is unable to assist in preparing her response to the WADOT  
2 Capital Defendants' second motion for summary judgment. (1st Davidovskiy Decl. ¶ 5.)  
3 The WADOT Capital Defendants' motion is currently noted for September 1, 2023, and  
4 Ms. Russell's response to the motion is currently due on August 28, 2023. (*See* 2d MSJ);  
5 Local Rules W.D. Wash. LCR 7(d)(3). Mr. Davidovskiy asks the court to extend the  
6 noting date for the WADOT Capital Defendants' motion by 28 days, to September 29,  
7 2023. (Mot.)

8 The WADOT Capital Defendants oppose Ms. Russell's motion. (Resp. (Dkt.  
9 # 70).) They argue that Mr. Davidovskiy's statements in his declarations regarding his  
10 communications with Mr. Russell about Ms. Russell's medical condition are inadmissible  
11 hearsay. (*Id.* at 1-2.) Thus, they urge the court to approve only a one-week extension of  
12 the noting date of their second motion for summary judgment, "subject to a further  
13 extension to September 29, 2023, upon the filing of admissible evidence regarding the  
14 status of [Ms. Russell's] health condition." (*Id.*)

15 The court disagrees that evidence of Ms. Russell's medical condition that would  
16 be admissible at trial is necessary to establish good cause for granting an extension of the  
17 noting date for the WADOT Capital Defendants' motion. Rather, under the  
18 circumstances, the court is willing to rely on the statements Mr. Davidovskiy made in his  
19 declaration under the penalty of perjury and in the motion under the threat of Rule 11  
20 sanctions. *See* Fed. R. Civ. P. 11(b)-(c). In addition, the court notes that the deadline for  
21 filing dispositive motions in this matter is November 28, 2023—nearly two months after  
22 Ms. Russell's proposed noting date. (Sched. Order (Dkt. # 20).) Accordingly, the court

1 GRANTS Ms. Russell's motion (Dkt. # 68) for a 28-day extension of the noting date for  
2 the WADOT Capital Defendants' second motion for summary judgment. The Clerk is  
3 DIRECTED to re-note the WADOT Capital Defendants' second motion for summary  
4 judgment (Dkt. # 63) for September 29, 2023. The court further DIRECTS the parties to  
5 cooperate in resolving any outstanding discovery disputes.<sup>1</sup>

6 Dated this 24th day of August, 2023.

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9 JAMES L. ROBART  
10 United States District Judge  
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<sup>1</sup> (See Mot. at 3-4; Resp. at 3.)